

STATE OF HAWAII

DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

HOUSE COMMITTEE ON JUDICIARY

March 29, 2012 2:00 P.M. Room 325, Hawaii State Capitol

In consideration of
Senate Bill No. 2650, Senate Draft 1
Relating to Promotion of Controlled Substances

Honorable Chair and Members of the House Committee on Judiciary, thank you for the opportunity to provide you with comments regarding Senate Bill 2650 as amended by Senate Draft 1, relating to promotion of controlled substances.

The Hawaii Public Housing Authority (HPHA) <u>supports</u> enactment of this measure which elevates the crime of promotion of controlled substances in, on, or near public housing projects to Class C felony. This Committee previously passed a substantially similar measure in House Bill 2736, as amended by House Draft 1 (H.S.C.R. 800-12). These measures will significantly improve the ability of the HPHA to ensure a secure, livable community for our residents. Currently, it is already a Class C felony to promote controlled substances in, on, or near public schools and public parks, so this amendment would bring criminal law in line with respect to public housing. HPHA will continue to work with police to refine our policies and procedures to effectively apply the provision, along with other necessary security improvements.

The HPHA appreciates the opportunity to provide the House Committee on Judiciary with the agency's position regarding S.B. 2650, S.D. 1. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.



919 Ala Moana Blvd. 4th Floor Honolulu, Hawaii 96813

JODIE F. MAESAKA-HIRATA DIRECTOR

MARTHA TORNEY

Deputy Director of Administration

JOE W. BOOKER, JR.

Deputy Director Corrections

KEITH KAMITA

Deputy Director Law Enforcement

37.		
No		

TESTIMONY ON SENATE BILL 2650 SD1 A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES Jodie F. Maesaka-Hirata, Director Department of Public Safety

House Committee on Judiciary Representative Gilbert S.C. Keith-Agaran, Chair Representative Karl Rhoads, Vice Chair

Thursday, March 29, 2012, 2:00 PM State Capitol, Conference Room 325

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill 2650 SD1 that proposes to extend the prohibition of promoting controlled substances in, on, or near schools, school vehicles, or public parks to include public housing projects and complexes. Senate Bill 2650 SD1 if passed may pose a deterrent to an individual thinking of manufacturing, distributing or possessing an illegal controlled substance in a public housing complex.

Thank you for the opportunity to testify on this matter.

Testimony of the Office of the Public Defender State of Hawaii to the House Committee on Judiciary

February 21, 2012

S.B. No. 2650 SD1: RELATING TO PROMOTION OF CONTROLLED SUBSTANCES

Chair Keith-Agaran and Members of the Committee:

We oppose passage of S.B. No. 2650 SD1. This bill would add public housing projects or complexes to the enhanced sentence "offense zones" for the distribution or possession with intent to distribute controlled substances or the manufacture of methamphetamine.

While we understand that the intent of this bill is to protect residents of public housing projects, we believe that emphasis should be placed on the enforcement of existing laws that prohibit the distribution of drugs rather than elevating the penalties for such offenses because they happen to be committed in a certain area. There has been no showing that drug distribution is more common in and around public housing projects than in other urban residential areas such as Waikiki. The effect of this measure could carry the additional burden of treating residents of public housing project with more criminality than someone who is selling drugs out of his/her residence in an affluent section of the city. We believe that one is not necessarily more sinister than the other due to the location of the offense.

Thank for the opportunity to comment on this measure.

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813 TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

PETER B. CARLISLE MAYOR



LOUIS M. KEALOHA CHIEF

DAVE M. KAJIHIRO MARIE A. McCAULEY DEPUTY CHIEFS

OUR REFERENCE JM-TA

March 29, 2012

The Honorable Gilbert S. C. Keith-Agaran, Chair and Members Committee on Judiciary House of Representatives State Capitol Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

SUBJECT: Senate Bill No. 2650, S.D. 1, Relating to Promotion of Controlled

Substances

I am John McEntire, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 2650, S.D. 1, Relating to Promotion of Controlled Substances.

With the inclusion of public housing projects or complexes to the list of areas specified under chapter 712-1249.6, Hawaii Revised Statutes, drug dealers and methamphetamine manufacturers will face an additional deterrent to engage in such criminal activity in areas historically susceptible to drug use and related activity. In addition, this change is consistent with the intent of the current law to keep drug trafficking and methamphetamine manufacturing away from schools, school vehicles, and public parks—areas with high concentrations of children—which will aid greatly in reducing exposure to illicit drug activity among children. It will also help to break the cycle of drug use and trafficking common in public housing projects or complexes and reduce the physical hazards associated with clandestine methamphetamine laboratories in densely populated areas.

The Honorable Gilbert S. C. Keith-Agaran, Chair and Members
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March 29, 2012

Passage of this bill would also positively impact the Hawaii Public Housing Authority's ability to provide a safe and secure environment in public housing projects or complexes—especially amid a recent spate of violence and other publicized security concerns—by reducing the amount of non-resident drug traffickers, buyers, and persons under the influence of controlled substances to these areas.

The Honolulu Police Department urges you to support Senate Bill No. 2650, S.D. 1, Relating to Promotion of Controlled Substances.

Thank you for the opportunity to testify.

Sincerely,

JOHN McENTIRE, Major Narcotiss/Vice Division

APPROVED:

LOUIS M. KEALOHA

Chief of Police



March 29, 2012

To:

Rep. Gilbert Keith-Agaran, Chair Rep. Karl Rhoads, Vice Chair and Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Executive Director

Re:

SB 2650 SD1 Relating to Promotion of Controlled Substances

Hearing: March 29, 2012, 2:00 p.m., Room 325

Position: STRONG OPPOSITION

The Drug Policy Forum of Hawai i writes in strong opposition to SB 2650 SD1 Relating to Promotion of Controlled Substances, which would add public housing projects to areas that provide for enhanced penalties and mandatory minimum sentences for distributing or possessing with intent to distribute controlled substances.

In 2006, the Justice Policy Institute ("Disparity by Design") found that policies such as these which heighten penalties for drug activity near schools, playgrounds, and other designated locations fail to protect youth from drug sales and worsen racial disparity in prisons. While not achieving the intended goals, these laws contribute to unacceptably high levels of racial disparity in the use of incarceration and subject people of color to stiffer punishment.

The laws blanket densely-populated areas with overlapping zones and are frequently applied to transactions that take place in private residences, far from schools, and with no children present. The reason these laws create disparities is that urban areas have denser populations. The net that is cast by the 750 foot perimeter includes more people in Kalihi than in Kahala. This measure in particular targets poor people and disadvantaged minorities by including state housing projects.

A task force is currently working on recommendations as a result of another Justice Policy Institute report: "The Disparate Treatment of Native Hawaiians in the Criminal Justice System;" and another set of recommendations have been made by the Justice Reinvestment Initiative. The proposals in this measure go against some of these recommendations, in essence they are the sort of policies that add to the problems that those two initiatives are now attempting to correct.

Sufficient criminal laws already exist that prohibit the sale and possession of illegal drugs. These types of increased sanctions only increase costs to taxpayers without increasing public safety.

We respectfully request that this measure be held. Thank you for this opportunity to provide testimony on this important matter.

Board of Directors Pamela Lichty, M.P.H. President

Kat Brady Vice President

Heather Lusk Treasurer

Katherine Irwin, Ph.D. Secretary

Michael Kelley, D.Phil.

Richard S. Miller, Prof. of Law Emer.

Robert Perkinson, Ph.D.

Donald Topping, Ph.D. Founder 1929-2003

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Testimony for SB2650 on 3/29/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 2:33 PM

To: JUDtestimony

Cc: toddhairgrove@hotmail.com

Testimony for JUD 3/29/2012 2:00:00 PM SB2650

Conference room: 325

Testifier position: Support Testifier will be present: Yes Submitted by: Todd Hairgrove Organization: Individual

E-mail: toddhairgrove@hotmail.com

Submitted on: 3/27/2012

Comments: Pass Bill